

REMARKS

Applicants respectfully request entry of the Amendment and reconsideration of the claims. Applicants have amended claim 1. Support for this amendment can be found throughout the specification, including at page 20. Claims 17 and 35 have been amended to depend on claim 1. Applicants have also amended claim 39 to correct an obvious typographical error. No new matter has been added by the amendments. Applicants respectfully request reconsideration of the claims and withdrawal of the rejections under 35 U.S.C. § 102(b), or in the alternative, under 35 U.S.C. § 103(a).

Withdrawn Claims

Applicants have amended independent method claims 17 and 35 to depend on the composition of claim 1. Following the Amendment, method claims 17-38 are linked to the elected cleaning composition of claim 1. If the Examiner does not withdraw the instant restriction requirement, Applicants hereby request rejoinder of non-elected claims 17-38 under MPEP § 821.04(b) upon the allowability of claim 1.

Rejections under 35 U.S.C. § 102(b)/103(a)

The Examiner rejects claims 1-16 and 39 under 35 U.S.C. § 102(b) as allegedly anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over (1) CA 2,292,966, (2) EP 0630965, (3) WO 94/14942, (4) U.S. Patent No. 5,750,482 (Cummings), and (5) U.S. Patent No. 5,486,307 (Misselyn et al.). Applicants respectfully traverse these rejections.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458 (Fed. Cir. 1984); *See also*, MPEP §2131. To establish a *prima facie* case of obviousness, three criteria must be met--a suggestion or motivation to combine references, a reasonable expectation of success, and the prior art reference teaches or suggests all the claim limitations. MPEP §2143; *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991).

Applicants respectfully assert that CA 2,292,966 does not disclose each and every element of independent claim 1, or in the alternative, does not teach or suggest all the claim

limitations. Specifically, the '966 patent does not disclose, teach, or suggest an anionic surfactant and a sheeting agent where the surfactant and the sheeting agent are different. For at least this reason, Applicants respectfully assert that the '966 patent does not anticipate or render the instant claims obvious.

In addition, Applicants respectfully assert that none of the cited art--CA 2,292,966, EP 0630965, WO 94/14942, U.S. Patent No. 5,750,482 (Cummings), and U.S. Patent No. 5,486,307 (Misselyn et al.)--disclose, teach, or suggest all of the claim limitations in view of currently amended claim 1. Claim 1 now recites that "the amount of the water hardness anti-precipitant mixture to the anionic surfactant component is sufficient to prevent visible precipitation when the cleaning composition is diluted with dilution water having one grain hardness at a weight ratio of 1:1." The art cited by the Examiner does not disclose or teach amounts to produce the desired effects.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(b) and § 103(a).

Rejection under Obviousness-Type Double Patenting

The Examiner provisionally rejects claims 1-16 and 39 under the judicial doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-26 and 1-15 of co-pending Application Nos. 11/264,820 and 11/018,046, respectively. Applicants acknowledge the Examiner's rejection for obviousness-type double patenting. Upon indication of allowance, Applicants will file a terminal disclaimer if appropriate.


Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD, P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: March 30, 2007



Brian R. Dorn, Ph.D.
Reg. No. 57,395
BRD:DRD:sab